

Commonwealth of Massachusetts

SUFFOLK, ss.

SUPERIOR COURT DEPARTMENT
OF THE TRIAL COURT
CIVIL ACTIONNo. 16-0859FLiliana Araujo Mendonca, Plaintiff(s)

v.

Panera, LLC, Defendant(s)

SUMMONS

To the above-named Defendant:

You are hereby summoned and required to serve upon _____

Law Offices of Brett Levy, PC
 plaintiff's attorney, whose address is One State St., Suite 1500 Boston, MA 02109, an answer to the complaint which is herewith served upon you, within 20 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. You are also required to file your answer to the complaint in the office of the Clerk of this court at Boston either before service upon plaintiff's attorney or within a reasonable time thereafter.

Unless otherwise provided by Rule 13(a), your answer must state as a counterclaim any claim which you may have against the plaintiff which arises out of the transaction or occurrence that is the subject matter of the plaintiff's claim or you will thereafter be barred from making such claim in any other action.

Witness, Judith Fabricant, Esquire, at Boston, the _____ day of _____, in the year of our Lord two thousand _____.

Clerk/Magistrate

A true copy Attest:

3/29/16

Deputy Sheriff Suffolk County

NOTES.

1. This summons is issued pursuant to Rule 4 of the Massachusetts Rules of Civil Procedure.
2. When more than one defendant is involved, the names of all defendants should appear in the caption. If a separate summons is used for each defendant, each should be addressed to the particular defendant.
3. TO PLAINTIFF'S ATTORNEY: PLEASE CIRCLE TYPE OF ACTION INVOLVED
 (1) TORT — (2) MOTOR VEHICLE TORT — (3) CONTRACT — (4) EQUITABLE RELIEF — (5) OTHER

PROOF OF SERVICE OF PROCESS

I hereby certify and return that on _____, 201____, I served a copy of the within summons, together with a copy of the complaint in this action, upon the within-named defendant, in the following manner (See Mass. R. Civ. P. 4 (d)(1-5):

Dated: _____, 201____.

N.B. TO PROCESS SERVER: -
PLEASE PLACE DATE YOU MAKE SERVICE ON DEFENDANT IN
THIS BOX ON THE ORIGINAL AND ON COPY SERVED ON DEFENDANT.

_____, 201____.

Commonwealth of Massachusetts

SUFFOLK, ss.

SUPERIOR COURT DEPARTMENT
OF THE TRIAL COURT
CIVIL ACTION

No. _____

16-0859 F

Liliana Araujo Mendonca, Plff(s).

v.

Parera, LLC., Deft(s).

SUMMONS

(Mass. R. Civ. P. 4)

(AFFIX FILING STAMP HERE)

16005117

CIVIL ACTION COVER SHEET	DOCKET NUMBER 16-0859F	Trial Court of Massachusetts The Superior Court
PLAINTIFF(S): <u>Liliana Araujo Mendonca</u> ADDRESS: _____ <u>18 Magnolia Square</u> <u>Boston, MA 02125</u> ATTORNEY: <u>Brett Levy - Law Offices of Brett Levy, PC</u> ADDRESS: <u>1 State Street - Suite 1500</u> <u>Boston, MA 02109</u> BBO: <u>567422</u>		COUNTY: <u>Suffolk</u> DEFENDANT(S): <u>Panera, LLC</u> <u>3630 South Geyer Road - Suite 100</u> <u>St. Louis, MO 63127</u> ADDRESS: _____
TYPE OF ACTION AND TRACK DESIGNATION (see reverse side)		
CODE NO. <u>B04</u>	TYPE OF ACTION (specify) <u>Negligence - Other</u>	TRACK <u>F</u> HAS A JURY CLAIM BEEN MADE? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
*If "Other" please describe: _____		
STATEMENT OF DAMAGES PURSUANT TO G.L. c. 212, § 3A		
The following is a full, itemized and detailed statement of the facts on which the undersigned plaintiff or plaintiff counsel relies to determine money damages. For this form, disregard double or treble damage claims; indicate single damages only.		
TORT CLAIMS (attach additional sheets as necessary)		
A. Documented medical expenses to date:		
1. Total hospital expenses	\$	<u>71057</u>
2. Total doctor expenses	\$	<u>4270</u>
3. Total chiropractic expenses	\$	_____
4. Total physical therapy expenses	\$	_____
5. Total other expenses (describe below)	\$	<u>1245</u>
Subtotal (A):		\$ <u>76572</u>
Ambulance Service B. Documented lost wages and compensation to date \$ _____ C. Documented property damages to dated \$ _____ D. Reasonably anticipated future medical and hospital expenses \$ _____ E. Reasonably anticipated lost wages \$ _____ F. Other documented items of damages (describe below) \$ _____		
G. Briefly describe plaintiff's injury, including the nature and extent of injury: <u>Plaintiff slipped and fell on the Defendant's property due to a dangerous defect or condition that existed on property</u> <u>that was negligently maintained by the Defendant. She suffered a fractured foot requiring multiple surgeries.</u>		
TOTAL (A-F):		\$ <u>76572</u>
CONTRACT CLAIMS (attach additional sheets as necessary)		
Provide a detailed description of claims(s): _____		
TOTAL:		\$ _____
Signature of Attorney/Pro Se Plaintiff: X		Date: _____
RELATED ACTIONS: Please provide the case number, case name, and county of any related actions pending in the Superior Court.		
CERTIFICATION PURSUANT TO SJC RULE 1:18		
I hereby certify that I have complied with requirements of Rule 5 of the Supreme Judicial Court Uniform Rules on Dispute Resolution (SJC Rule 1:18) requiring that I provide my clients with information about court-connected dispute resolution services and discuss with them the advantages and disadvantages of the various methods of dispute resolution.		
Signature of Attorney of Record: X		Date: <u>03/11/2016</u>

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, ss

SUFFOLK SUPERIOR COURT
C.A. NO. 16-0859 F

Liliana Araujo Mendonca,

Plaintiff,

vs.

Panera, LLC

Defendant

COMPLAINT

1. The Plaintiff, Liliana Araujo Mendonca, is a natural person and resident of Boston, County, Commonwealth of Massachusetts.
2. The Defendant, Panera, LLC, is a foreign limited liability company, with a principal office in St. Louis, Missouri, which also maintains numerous business locations in Suffolk County, Commonwealth of Massachusetts.

COUNT I

3. The Plaintiff restates and realleges the allegations contained in paragraphs 1 through 2.
4. On or about January 31, 2015 Plaintiff was an invitee or guest of the Defendants, Panera, LLC, at the property owned or leased by them at 8 Allstate Rd, Dorchester, Massachusetts, and was lawfully on the Defendants' premises, also known as Panera Bread.
5. The Defendant, Panera, LLC, is the owner or lessor of Panera Bread Restaurant, 8 Allstate Road, Dorchester, Massachusetts, also known as Panera Bread.
6. Plaintiff, while exercising due care and walking on the property of 8 Allstate Road, Dorchester, 8 Park Place, Boston, fell to the ground. The fall caused Plaintiff to suffer damages, including but not limited to severe and permanent injuries, which required substantial medical care and treatment at great expense to Plaintiff, and which prevented Plaintiff from resuming her normal activities for a long period of time.
7. Plaintiff's fall was caused by dangerous conditions, defects, or other hazards associated with the location in which she fell, and Defendant is liable for Plaintiff's damages for its negligent actions and inactions which caused Plaintiff to fall, which include but are not limited to, failing to maintain the location where Plaintiff fell, allowing a dangerous

defect, condition or hazard to exist, and failing to warn Plaintiff of the existence of the dangerous condition, defect, or hazard.

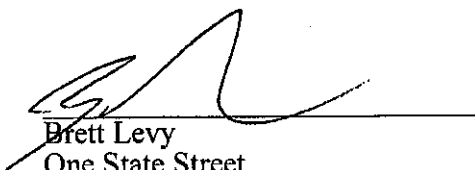
8. As a direct result of the Defendant, Panera, LLC's negligent actions, the Plaintiff Liliana Araujo Mendonca was caused to suffer severe and serious personal injuries, suffered pain of body and mind, required medical care and treatment, was unable to resume her usual activities for a long period of time, and incurred medical expenses in excess of \$78,000.00.

WHEREFORE, the Plaintiff, Liliana Araujo Mendonca demands that, with respect to the Defendant, Panera, LLC, this Court:

1. Find in favor of the Plaintiff;
2. Award the Plaintiff just compensation plus interest and costs;
3. Take any actions which the Court shall deem just.

THE PLAINTIFF REQUESTS A TRIAL BY JURY

Liliana Araujo Mendonca
By her Attorney



Brett Levy
One State Street
Suite 1500
Boston, MA 02109
BBO# 567422
(617) 338-2700

Dated:

3/11/16